

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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CRAIG CUNNINGHAM on behalf of himself
and all others similarly situated,

Plaintiff,

- against -

ORDER

17-2080 (ADS) (AKT)

SHORE FUNDING SOLUTIONS INC.,

Defendant.

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A. KATHLEEN TOMLINSON, Magistrate Judge:

The Court has reviewed the June 14, 2018 letter of Defendant's counsel. *See* DE 61. Counsel states that Plaintiff's counsel filed a motion to compel on June 13, 2018 at 12:33 p.m. and that this Court, less than three hours later, determined that it would treat the motion as unopposed. Counsel goes on to state that the Court's determination was "premature and prejudicial" since the three-day time period to respond to the motion had not expired. The Court suggests that counsel take another look at the referenced Order and draws counsel's attention to the text which explicitly states that the Court was deeming unopposed Plaintiff's June 4, 2018 motion, found at DE 56. The Court's Order was *not* issued in connection with Plaintiff's June 13, 2018 Motion to Compel, filed at DE 60. Accordingly, the Court did not "prematurely preclude" Defendant from responding to Plaintiff's most recent motion.

Defendant's counsel also seeks an extension of time to respond to the June 13 Motion to Compel to June 25, 2018. That request is GRANTED. In the future, counsel is encouraged to check his facts before filing papers.

SO ORDERED.

Dated: Central Islip, New York
June 21, 2018

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
United States Magistrate Judge